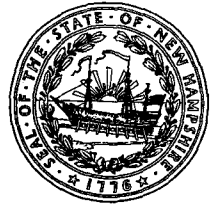




State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY  
WET 2004-36

August 04, 2004

Dean & Linda Robinson  
60 Kelly Brook Lane  
East Hampstead, NH 03826

RE: DES Wetlands File #2000-01404 136 Tanglewood Shores Road, Moultonborough

Dear Mr. and Ms. Robinson:

On July 15, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Moultonborough Tax Map 9 as Lot 14 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Administrative Rules Wt 100-700.

During the inspection the following deficiencies were documented:

1. A beach was installed along approximately 27 linear feet of shoreline without a permit from DES. The beach extends between 20'7" and 14' landward of normal high water (elevation 504.32 on Lake Winnepesaukee) and at the time of inspection appeared to have been recently replenished and expanded. A review of photographs of the Property received by DES on July 12, 1999, indicates that the beach was not constructed prior to this date. Photographs taken by DES inspecting personnel on December 8, 2000 indicate that the beach has been expanded westward – towards or perhaps even over the westerly abutting property line.
2. The 6' x 40' seasonal pier authorized by Seasonal Dock Notice of Completeness # 2000-293 was not installed at the normal high water line. A 3' wide x 5'8" ramp connected the pier to the shoreline making the extension of the pier 45'8" lakeward of the normal high water line. In accordance with Rule Wt 402.02, Dimensions, approvable standard dimensions for a seasonal dock shall not exceed a deck width of 6' and a deck length of 40' measured from the normal high water mark.

In response, you are requested to take the following actions:

1. Within 30 days of the date of this letter, please submit an after-the-fact Standard Dredge and Fill Application (enclosed) to retain no more than 20 linear feet of perched beach. As per Administrative Rule Wt 304.08, Beaches, no new private beach shall utilize more than 20% of the applicant's contiguous shoreline and replenishment of existing beaches shall be limited to one replenishment in a 6 year period. DES considers perching the beach the least impacting alternative because perched beaches require less frequent sand replenishment. Please note that a wetlands permit is required to replenish a beach.
2. Within 30 days please relocate the 6' x 40' pier such that it extends no further than 40' lakeward of the normal high water line and submit photographs and a plan showing the location of the dock relative to the abutting property lines and the normal high water line to DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

D. Forst, Shoreland Program Supervisor  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

**COPY**

D. Forst  
Shoreland Program Supervisor  
Wetlands Bureau

Enclosure: Standard Dredge and Fill Application

CERTIFIED MAIL # 7003 2260 0005 9209 9369

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Moultonborough Conservation Commission  
Moultonborough Board of Selectmen  
USACOE